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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/507,379	02/18/00	CHANCE M	370778

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PM82/1011

EXAMINER

TRAN, T

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 10/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/507,379

Applicant(s)

Chance

Examiner

Thuy V. Tran

Art Unit

3652



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other: _____

Art Unit: 3652

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 8 and 16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

On page 15, lines 17-21 of the specification, Applicant discloses that “ When the ramps 22 and 24 are elevated to the desired vertical position, the shut off switch 114 is slid to a point where it touches a portion of the cross member end block 30 and is then fastened in place. When the end block 30 contacts the shut off switch 114 during subsequent operation of the vehicle lift, the electric supply to the hydraulic pump 170 will be interrupted.”

It is not understood what applicant meant by “switch 114 may be slidably mounted”. In other words, it is unclear whether the switch is slidable as the “end block 30” elevated or the switch is mounted within the column at a desired vertical position.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3652

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the hydraulic cylinder" in lines 13-14. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the cross rails" in line 5. There is insufficient antecedent basis for this limitation in the claim.

With regard to claim 17, the recitation "at least one cable having a securing end fastened substantially in the center of one of the plurality of spaced apart columns...", found in lines 8-9, renders the claim indefinite because it is not understood where the center of the column is. In addition, the limitation "the center" lacks of antecedent basis in the claim. Further, in claim 17, line 6, --columns-- should be inserted after "spaced apart".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3652

6. Claims 1, 2, 9, 10 and 17-20 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Martin 2,139,597.

Martin '597 discloses a vehicle lift comprising a pair of spaced apart ramps 6, two cross members 4, each having two opposing end blocks 3 and a pulley attached to the end block, four U-shaped columns 2 each having an opening for receiving a respective end block, a hydraulic cylinder device 21, and a plurality of cables 9-11 each having one end fixed to a top cap of the column and the other to the hydraulic device.

The U-shaped column further comprises a plurality of spaced apart locking tabs 34.

With regard to claim 19, each of the columns comprises a top cap having hole therethrough for receiving and securing the cable by a device 8.

Re claim 20, figure 3 shows a locking mechanism including a plurality of spaced apart locking tabs 34, a locking latch 33 linked to a mechanical lever 36.

7. Claims 17-19 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Haumerson 2,624,546.

Haumerson '546 discloses a vehicle lift comprising a plurality of spaced apart U-shaped columns 1-4, ramps 41-44, two cross rails 10 & 12 supporting the rails, a lifting mechanism, at least one cable having a securing end fastened in center of one of the columns and the other attached to the lifting mechanism (see figures 2A, 2B and 3).

Re claim 19, see figures 1 and 2B.

Art Unit: 3652

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3, 9-11 and 17-20 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over FR 1093591 A in view of Petit 3,985,207.

FR '591 discloses a vehicle lift comprising four spaced-apart columns 2-5, a platform having ends each slidably received and held within a receiver slot in one of the four columns, a hydraulic cylinder 40, a plurality of cables each fixed at one end to the top cap of one of the columns and the opposite end to the hydraulic cylinder.

Petit '207 discloses a vehicle lift comprising four spaced apart columns 1-4, a pair of ramps 7 & 8, two cross members 5 & 6 attached to and supporting the ramps, a plurality of spaced apart locking tabs 58 fixed in at least one of the columns, a locking mechanism having a locking latch 50 link to a mechanical lever 56.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the one piece platform of FR '591 reference with a platform having two ramps and two cross members as disclosed by Petit '207 in order to provide a lighter platform as well as allowing a mechanic to work on the bottom of a vehicle.

Art Unit: 3652

With regard to claims 2, 3, 10, 11 and 20, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a locking mechanism as taught by Petit '207 for the vehicle lift of FR '591 in order to provide additional safety for mechanic working underneath the platform.

10. Claims 4 and 12 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over FR 1,093,591 A in view of Petit 3,985,207 as applied to claims 2 and 9, respectively above, and further in view of Lightner et al. 1,468,482.

The modified vehicle lift of FR '591 discloses all the claimed limitations except for having a removable tire block.

Lightner et al. '482 disclose a vehicle lift comprising removable tire blocks 32. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have further employed at least one removable tire blocks for the modified vehicle lift of FR '591 as taught by Lightner et al. '482 in order to prevent movement of the vehicle when in position upon the ramps.

11. Claims 5 and 13 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin 2,139,597 in view of Baldwin et al. 4,724,875.

Martin '597 discloses all the claimed limitations except for having a drip tray removably mounted between the ramps.

Baldwin et al. '875 discloses a vehicle lift having a drip tray 74 removably mounted between a pair of spaced apart ramps.

Art Unit: 3652

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have employed a drip tray for the vehicle lift of Martin reference as taught by Baldwin et al reference in order to provide more convenient for oil change services.

12. Claims 5 and 13 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over FR '591 in view of Petit 207 as applied to claims 2 and 9 above, and further in view of Baldwin et al. 4,724,875.

The modified vehicle lift of FR '591 discloses all the claimed limitations except for having a drip tray removably mounted between the ramps.

Baldwin et al. '875 discloses a vehicle lift having a drip tray 74 removably mounted between a pair of spaced apart ramps.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have further employed a drip tray for the modified vehicle lift of FR '591 reference as taught by Baldwin et al reference in order to provide more convenient for oil change services.

13. Claims 6 and 14 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin 2,139,597 in view of Clarke 3,536,161.

Martin '597 discloses all the claimed limitations except for having a caster mounted adjacent the base of each of the four columns.

Clarke '161 discloses a vehicle lift having casters mounted adjacent four columns.

Art Unit: 3652

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have employed caster wheels for the vehicle lift of Martin '597 as taught by Clarke in order to provide mobility to the vehicle lift.

14. Claims 6 and 14 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over FR '591 in view of Petit '875 as applied to claims 2 and 9 above, and further in view of Clarke 3,536,161.

The modified vehicle lift of FR '591 discloses all the claimed limitations except for having a caster mounted adjacent the base of each of the four columns.

Clarke '161 discloses a vehicle lift having casters mounted adjacent four columns.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have further employed caster wheels for the modified vehicle lift of FR '591 as taught by Clarke in order to provide mobility to the vehicle lift.

15. Claims 7 and 15 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin 2,139,597 in view of Nussbaum 4,076,216.

Martin discloses all the claimed limitations except for having a flexible cover mounted over the cross member receiver slot of the four columns.

Nussbaum '216 discloses a vehicle lift having a flexible cover mounted over the cross member receiver slot of the lift column to cover and protect the lifting mechanism against accumulation of dirt.

Art Unit: 3652

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized flexible covers for the vehicle lift of Martin reference in order to protect the inner columns against accumulation of dirt.

16. Claims 7 and 15 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over FR '591 in view of Petit '207 as applied to claims 2 and 9 above, and further in view of Nussbaum 4,076,216.

The modified vehicle lift of FR '591 discloses all the claimed limitations except for having a flexible cover mounted over the cross member receiver slot of the four columns.

Nussbaum '216 discloses a vehicle lift having a flexible cover mounted over the cross member receiver slot of the lift column to cover and protect the lifting mechanism against accumulation of dirt.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized flexible covers for the modified vehicle lift of FR '591 reference in order to protect the inner columns against accumulation of dirt.

17. Claims 8 and 16 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin 2,139,579 in view of Haumerson 2,624,546.

Martin discloses all the claimed limitations except for having an automatic shut off slidably mounted within at least one of the four columns.

Art Unit: 3652

Haumerson '546 discloses a vehicle lift having at least one upper automatic shut off switch 275 and one lower limit automatic shut off switch 285 slidably mounted within at least one of the four columns.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized an automatic shut off switch for the vehicle lift of Martin reference in order to prevent the ramps from being elevated beyond the desired height position.

18. Claims 8 and 16 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over FR '591 in view of Petit '207 as applied to claims 2 and 9 above, and further in view of Haumerson 2,624,546.

The modified vehicle lift of FR '591 discloses all the claimed limitations except for having an automatic shut off slidably mounted within at least one of the four columns.

Haumerson '546 discloses a vehicle lift having at least one upper automatic shut off switch 275 and one lower limit automatic shut off switch 285 slidably mounted within at least one of the four columns.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have further utilized an automatic shut off switch for the modified vehicle lift of FR '591 reference in order to prevent the ramps from being elevated beyond the desired height position.

Art Unit: 3652

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each of the cited references separately discloses a vehicle lift.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is (703) 308-2558.



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September 27, 2001